

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

For the reasons stated in the record at trial on Monday, May 22, 2006, Defendant's Motion for Judgment as a Matter of Law pursuant to Fed. R. Civ. P. 50(a) is **GRANTED**.

The Clerk is hereby ordered to dismiss this case with prejudice from the active docket of this court. The Clerk is further directed to send a copy of this Order to all counsel of record.

Entered this 22<sup>nd</sup> day of May, 2006.

s/Jackson L. Kiser  
Senior United States District Judge